UNITED STATES OF AMERICA BEFORE THE NATIONAL LABOR RELATIONS BOARD

HALL CHEVROLET, LLC

Employer

and Case 05-RC-126386

INTERNATIONAL ASSOCIATION OF MACHINISTS & AEROSPACE WORKERS, AFL-CIO

Petitioner

ORDER

The Employer's Request for Review of the Regional Director's Decision and Direction of Election is denied as it raises no substantial issues warranting review.¹

MARK GASTON PEARCE, CHAIRMAN

Member Miscimarra would grant review regarding the appropriateness of the petitioned-for unit because in his view – whether or not one applies *Specialty Healthcare* (and without passing on the standard articulated in that case) – the Employer has identified similarities and distinctions between unit and non-unit employees, respectively, that resemble similarities and distinctions existing among employees within the petitioned-for unit, which in part prompted the Board to grant review in *Macy's, Inc.*, 01-RC-091163 (review granted Dec. 4, 2012) and *The Neiman Marcus Group, Inc. d/b/a Bergdorf Goodman*, 02-RC-076954 (review granted May 30, 2012).

¹ We agree with the Regional Director, given his fact findings, that the body shop unit sought by the Petitioner is appropriate for bargaining under Specialty Healthcare & Rehabilitation Center of Mobile, 357 NLRB No. 83 (2011), enfd. sub. nom. Kindred Nursing Centers East v. NLRB, 727 F.3d 552 (6th Cir. 2013). The body shop employees are readily identifiable as a group and share a community of interest. They work in a physically separate department, share some common terms and conditions of employment, and are separately supervised by their department manager. They are not interchanged with the employees in the Employer's service or parts departments, and they also possess skills, training, and job functions distinct from the other two departments. While there is significant functional integration, contact, and some common terms and conditions of employment between the three departments, the work of one department is not dependent on the others and these features do not create an "overwhelming community of interest" whose factors "overlap almost completely," such that there is "no legitimate basis" for excluding the other two departments from the unit. Id., slip op. at 11-13 and fn. 28; see also Courtesy Honda, 12-RC-083701, review denied November 1, 2012 (unit limited to service and lube technicians in employer's service and parts department was appropriate under *Specialty* Healthcare, notwithstanding some functional integration, daily contact, and permanent interchange with excluded employees in the same department).

PHILIP A. MISCIMARRA, MEMBER NANCY SCHIFFER, MEMBER

Dated, Washington, D.C., June 26, 2014.